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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,367	12/04/2000	John M. Smith	D/98727	3425

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Rochester, NY 14644

EXAMINER
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SMITH, PETER J

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/728,367	<b>Applicant(s)</b> SMITH ET AL.	
	<b>Examiner</b> Peter J Smith	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to communications: amendment filed on 8/19/2004.
2. Claims 1-4 are pending in the case. Claim 1 is an independent claim.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al., US 5,181,162 patented 1/19/1993.**

**Regarding independent claim 1,** Smith discloses a document broker for mediating between a plurality of heterogeneous program applications and documents having business critical data in fig. 1-4, col. 2 lines 40-47, col. 8 lines 31-34. Smith also provides a motivation and explanation of need for the document broker in col. 1 lines 32-59. Smith teaches a message broker for retrieving and transferring business critical data from one of the plurality of heterogeneous program applications and environments to be used by another of the plurality of heterogeneous program applications and environments in col. 3 lines 14-22, col. 4 lines 45-51, and col. 5 lines 52-68.

Smith teaches a document browser for selecting selective portions of business critical data in fig. 1-4 and col. 2 line 54 – col. 3 line 13. Smith also discloses a motivation for selecting and editing discrete document portions with a plurality of applications in col. 1 lines 32-59.

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Smith discloses a document manager for generating new business documents based on predefined business parameters in col. 2 line 54 – col. 3 line 13. Smith discloses a document manager with a means for analyzing selective portions of the business critical data in fig. 1-4 and col. 2 line 54 – col. 3 line 45, a means for storing new business documents in fig. 1-4 and col. 2 lines 54-61 and col. 4 lines 14-23, and a means for distributing the new documents across a plurality of heterogeneous program applications and environments in col. 5 lines 52 – col. 6 line 12, col. 4 lines 45-51, and col. 8 lines 31-34.

**Regarding dependent claim 2**, Smith teaches wherein the analyzing means, storing means, and distributing means are enabled or disabled based upon predefined business parameters in col. 4 line 67 – col. 5 line 29.

**Regarding dependent claim 3**, Smith teaches wherein the predefined business parameters are determined by the selection of business critical data in col. 2 line 54 – col. 3 line 55 and col. 7 lines 21-54 and col. 8 lines 1-7.

**Regarding dependent claim 4**, Smith teaches wherein the predefined business parameters are determined by the selection of the user in col. 7 lines 21-54.

### ***Response to Arguments***

5. Applicant's arguments filed 8/19/2004 have been fully considered but they are not persuasive. Regarding Applicant's arguments in pages 2 and 3 that Smith et al. (hereinafter "Smith") does not disclose a document broker which can translate between heterogeneous systems which may use different technologies as their design and interface basis, the Examiner respectfully disagrees. The Examiner believes Smith clearly defines a purpose for its invention

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in col. 1 lines 32-59. In the cited passage, Smith indicates that there is a need to create “complex documents” (col. 1 line 43) requiring an “array of external application software packages that [are] sufficient to support document assembly and output” (col. 1 lines 57-59). Smith further describes in col. 1 line 60 – col. 2 line 7 that its invention uses an object-oriented system wherein the data is stored in self-contained programmatic structures. The use of these object structures by the Smith allows heterogeneous data to be translated and shared among a variety of applications in order to produce a complex compound document. Smith describes in col. 4 lines 30-35 that a variety of utility programs may be employed by users to access objects. Smith again describes the use of utility programs and provides some examples of utility programs in col. 8 line 31 – col. 9 line 24. Therefore, the Examiner maintains that the document broker and thus the invention as presently claimed is anticipated by Smith and maintains the rejection set forth in the previous office action.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Smith whose telephone number is 571-272-4101. The examiner can normally be reached on Mondays-Fridays 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJS  
12/21/2004

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER